

## **EXECUTIVE SUMMARY**

The Department of Human Services has completed a review of all of its administrative rules in response to Executive Order Number 8.

### **Methodology**

The Department divided all of its rules into 166 topical groupings, giving consideration to the best way to optimize public participation in the assessment process.

The Director of the Department sent out a letter to approximately 5,000 constituents and providers in March of 2000, explaining the purpose of the rules review, including a copy of the Department's Rules Review Plan, and asking them to respond to the Department indicating which rule grouping reviews, if any, they wished to be involved in. The Department received 221 responses. Most persons indicated a desire to be involved in the review of more than one rule grouping. Every rule grouping had some persons wanting to be involved.

The Division responsible for each grouping sent out a copy of the rules and statutes involved to all constituents who indicated a desire to be involved in the review process, asking them to review the rules and statute in light of the criteria given in the Executive Order, and asking them to submit comments using a form developed by the Department. Mailings were also sent to other interested state agencies and Department divisions.

In addition, the form was available on the Department's web site for use by anyone who wished to comment on any of the Department's rules. Many people did comment using the on-line form.

The Divisions assigned primary responsibility for completing the review process to a program person. Following the public comment period, each program person summarized the comments received and sent a copy to the Department's Rules Administrator. Each Division will retain the comments received in the Division for five years.

Of the rule groupings which were not exempt from the rules review process, only 22 groupings did not receive any public comments.

Staff from each Division met to review the public comments received on each rule grouping and to obtain comment on completing the assessment. The person assigned primary responsibility completed an assessment containing the following information for each rule grouping:

- An assessment of the rules against each of the five regulatory review criteria: need, clarity, intent and statutory authority, cost, and fairness.
- A statement of the rule grouping's objectives.
- An evaluation of the rule grouping's effectiveness in achieving the stated objectives.
- A statement regarding the constituencies and provider groups involved in completion of the review, a summary of the comments received, and responses to the comments.
- A description of any written criticisms received in the past five years.
- A description of any exceptions to policy received in the past five years.

- Recommendations for modifications to the rules, including a rationale for each recommendation.

Following signoff by the person's Bureau Chief and Division Administrator, the form was sent to the Department's Rules Administrator for review and entry into the Governor's database. After receiving approval from the Rules Administrator, the program person who completed the review sent a copy of the assessment form to each person that commented on the grouping, along with a letter explaining that the assessment will be submitted to the Governor's Office for his approval. They were also informed that the Department was notified that the Department can proceed with the rule making process for changes identified during the review process unless the changes are complex or controversial.

### **Summary of Findings**

Of the 166 rule groupings reviewed, it was determined that 10 groupings need to be deleted, 125 groupings need revision, one new grouping is needed, 29 groupings do not need to be modified, and one is undecided.

The vast majority of the changes needed are either cleanup or minor clarifications. "Cleanup" means fixing incorrect rule and statute citations, updating organizational references, and correcting form names and numbers. "Clarification" means rewriting confusing rules to make them clearer and easier to understand, and adding preambles to some chapters to explain the purpose of the rules.

However, there are 29 rule groupings requiring major modifications. Most of these are rule groupings involving service programs that have not been reviewed for many years. Many of the chapters contain outdated and redundant material and some of the chapters will be combined and rewritten to eliminate confusion on the part of the constituents.

The following rule groupings are recommended for deletion:

Adoption Opportunity Grant Program- Chapter 160	No longer receive federal grant
Burial Benefits-Chapter 56	Budget cut
Crisis Child Care Centers-Chapter 118	Not used, will require legislative change
Iowa Transitional Assistance for Direct Education Costs – Chapter 94	No longer used
Payment of Small Claims-Chapter 8	Not needed, will require legislative change
Purchase of Service-Chapter 150	No longer needed, some parts will be placed in Chapter 152
Purchased services. Grouping contains: <ul style="list-style-type: none"> <li>• MR/MI/DD Local Services-Chapter 153, Div III</li> <li>• Adult Day Care-Chapter 171</li> <li>• Sheltered Work- Work Activity Services-Chapter 172</li> <li>• Transportation Services-Chapter 174</li> <li>• Community Supervised Apartment Living Arrangements Services Program-Chapter 206</li> <li>• Residential services for Adults-Chapter 207</li> </ul>	No longer used
Teleconsultative Services-78.45, 79.1(1), 79.1(2)	Discontinued by Legislature
Transitional Child Care Centers-Chapter 49	Discontinued by Legislature
Wraparound Funding Program- Chapter 179	Budget cut

The following rule grouping is undecided. The chapter will be kept or deleted depending on whether a federal grant is received for funding of the program:

Subsidized Guardianship Program- Chapter 204
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The following rule grouping is new. The rule chapter is being written.

Civil Commitment Unit for Sexual Offenders
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The following rule groupings are recommended for major modification. Details regarding recommendations may be viewed at the chapter summary.

Accreditation of Providers of Services to MR, MI, DD-Chapter 24
Adoption Services- Chapter 200
Appeals and Hearings-Chapter 7
Certification of Adoption Investigators- Chapter 107
Child Care Resource and Referral Grants Program- Chapter 159
Community Mental Health Centers-77.15, 78.16, 79.1(1), 79.1(2)
Contracting-Chapter 152
County and Multicounty Juvenile Detention and Shelter Care Homes- Chapter 105
Developmental Disabilities State Grant-Chapter 38*
Diversion-Chapter 47 will require legislative change
Emergency Food Assistance-Chapter 73
Family Development and Self-Sufficiency-Chapter 165
Foster Care Services- Chapter 202
Foster Family Home Licensing- Chapter 113
Foster Parent Training- Chapter 117
HCBS AIDS waiver-77.34, 78.38, 79.1(1), 79.1(2), Chapter 83, Division III
HCBS Brain Injury waiver-77.39, 78.43, 79.1(1), 79.1(2), 79.1(15), 79.1(17), Chapter 83, Division V
HCBS Elderly Waiver-77.33, 78.37, 79.1(1), 79.1(2), 79.1(17), Chapter 83, Division II
HCBS Ill and Handicapped Waiver-77.30, 78.34, 79.1(1), 79.1(2), Chapter 83, Division I
HCBS MR Waiver-77.37, 78.41, 79.1(1), 79.1(2), 79.1(15), 79.1(17), Chapter 83, Division IV
HCBS Physical Disability Waiver-77.41, 78.46, 79.1(1), 79.1(2), 79.1(17), Chapter 83, Division VI
Iowa Adoption Exchange- Chapter 203
Juvenile Detention Reimbursement- Chapter 167*
Licensing and Regulation of Child-Placing Agencies- Chapter 108
Licensing and Regulation of Foster Care Facilities- Chapter 112, 114, 115, and 116
Mental Illness Special Services Fund-Chapter 39 will require legislative change
Payments for Foster Care and Foster Parent Training- Chapter 156
Rent Subsidy Program-Chapter 53 will require legislative change
Standards for Services to Persons with Mental Illness, Chronic Mental Illness, Mental Retardation, Developmental Disabilities, and Brain Injury-Chapter 22

The following rule groupings are recommended for minor modification. Details regarding recommendations may be viewed at the chapter summary.

Adult Support Program-Chapter 183
AIDS-HIV Health Insurance Premium Payment (HIPP) Program - 75.22
Audiologists-77.14, 79.1(1), 79.1(2)
Birth Centers-77.27, 78.30, 79.1

Child Abuse Prevention Program- Chapter 155
Child Care Services- Chapter 170
Child Day Care Grants- Chapter 168
Child Support -- Collecting Support through levies, license sanctions, orders to seek employment and other measures- Chapter 98, Divisions IV, V, VII, VIII, IX, 95.12
Child Support – Collecting Support Through State and Federal Offsets- Chapter 98, Division VI, 95.6, 95.7, 95.8
Child Support – Establishing Paternity- Chapter 99, Division II
Child Support – Guidelines- Chapter 99, Division I
Child Support – Income Withholding- Chapter 98, Division II
Child Support – Locating Parents and Safeguarding Information- Chapter 96, 95.16, 9.10(10), 9.11(22), 9.12(1)"d" and "e," 9.12(2)"a"(2), "b"(4), and "c"
Child Support – Medical Support- Chapter 98, Division I
Child Support – Modifying Support- Chapter 99, Divisions IV, V, VI
Child Support – Receiving and Disbursing Payments- Chapter 97, 95.3, 95.4, 95.5, 95.22, 95.23, 95.24
Child Support – Serving Qualifying Customers-95.1, 95.2, 95.14, 95.15, 95.18, 95.19, 95.20, 95.21, 95.25
Contracting Out Department of Human Services-Chapter 2
Dentists-77.4, 78.4, 78.28(2), 79.1(1), 79.1(2)
Dependent Adult Abuse- Chapter 176
Disability Service Management- Chapter 25, Divisions I, II, III, IV
Durable Medical Equipment-77.10, 78.10, 78.28(1), 78.28(10), 79.1(1), 79.1(2), 79.1(4)
Early and periodic screening, diagnosis and treatment Chapter 84
Eldora Training School- Chapter 103
Emergency Assistance-Chapter 58
Family and Group Child Care Homes- Chapter 110
Family Centered Services-Chapter 182
Family Investment Program (FIP)-Chapters 40, 41, 42, 43, 45, 46, and 48
Family Life Homes- Chapter 111
Family Planning Services- Chapter 173
Family Support Subsidy- Chapter 184, Division I
Family-Centered MR/DD Respite Services- Chapter 182
Food Stamps-Chapter 65
Funding for Empowerment Areas-Chapter 169*
General Provisions-Chapter 130*
Health Insurance Premium Payment (HIPP) Program - 75.21
Healthy And Well Kids in Iowa (HAWK-I) Program-Chapter 86
Hearing Aid Dealers-77.13, 78.14, 78.28(4), 79.1(1), 79.1(2)
Hospitals-77.3, 78.3, 78.28(5), 78.31, 79.1(1), 79.1(2), 79.1(5), 79.1(16), 79.10, 79.11, 79.13
Independent Laboratories-77.20, 78.20, 79.1(1), 79.1(2), 79.1(6), 79.13
Individual Development Accounts-Chapter 10
In-Home Health-Related Care Program- Chapter 177
Interim Assistance Reimbursement-Chapter 57
Intermediate Care Facilities for the Mentally Retarded- Chapter 82
Interstate Compact on Children–Chapter 142
Interstate Compact on Juveniles-Chapter 143
Iowa State Juvenile Home- Chapter 101
IV-A Emergency Assistance-Chapter 133*
Juvenile Court Directed Services Program- Chapter 151
Lead Inspection Agencies-77.40, 78.44, 79.1(1), 79.1(2)
Managed Health Care – HMOs Chapter 88, Division I
Managed Health Care – Patient Management- Chapter 88, Division III

Managed Health Care – Prepaid Health Plans- Chapter 88, Division II
Managed Health Care-Iowa Plan for Behavioral Health- Chapter 88, Division IV
Medicaid application (inc. HAWK-I) - Chapter 76
Medicaid eligibility (conditions of eligibility) - 75.2 through 75.20 and 75.23 through 75.60
Medicaid eligibility (mandatory coverage groups) - 75.1(1), 75.1(3) to 75.1(5), 75.1(8), 75.1(9), 75.1(12) to 75.1(15), 75.1(20), 75.1(21), 75.1(23) to 75.1(25), 75.1(27) to 75.1(29), 75.1(31) to 75.1(34), 75.1(36) to 75.1(38)
Medicaid eligibility (optional coverage groups) - 75.1(6), 75.1(7), 75.1(10), 75.1(17), 75.1(18), 75.1(30), 75.1(35), 75.1(39)
Medicaid providers - General Policies-79.1(10) to 79.1(13), 79.2 to 79.6, 79.8, 79.9, 79.12, 79.14, Chapter 87*
Medicaid Providers, Procedure and Method of Payment- Chapter 80
Medicaid Rehabilitative Treatment Services-77.38, 78.42, 79.1(1), 79.1(2)
Medicaid transportation reimbursement 78.13*
Mental Health Institute Policies- Chapters 28 and 29
Nurse Midwives-77.26, 78.29, 79.1(1), 79.1(2)
Nursing Facilities for Persons with MI- Chapter 85, Division III *
Nursing Facilities-79.1(1), 79.1(2), 79.1(9), Chapter 81*
Offset of County Debts Owed DHS-Chapter 14
Opticians-77.7, 78.7, 79.1(1), 79.1(2)*
Optometrists-77.6, 78.6, 78.28(3), 79.1(1), 79.1(2)*
Orthopedic Shoe Dealers-77.18, 78.15, 79.1(1), 79.1(2)
Overpayments-Chapter 11
Personal Assistance Services Program, Chapter 184
Pharmacies-77.2, 78.2, 79.1(1), 79.1(2), 79.1(8)
Physicians-77.1, 78.1, 78.28(1), 79.1(1), 79.1(2), 79.1(7), 79.13
Program Evaluation-Chapter 13
PROMISE JOBS - Chapter 93
Psychiatric Hospitals- Chapter 85, Division I
Psychiatric Medical Institutions for Children (PMICs)- Chapter 85, Division II
Psychologists-77.22, 78.24, 79.1(1), 79.1(2)
Public Records and Fair Information Practices-Chapter 9
Purchase of Adoption Services- Chapter 157
Refugee Cash Assistance (RCA)-Chapter 60
Refugee Services Program- Chapter 61
Rehabilitation Agencies-77.19, 78.19, 78.28(7), 79.1(1), 79.1(2)
Rehabilitative Treatment Services- Chapter 185
Rule Making-Chapters 3, 4, and 5
Screening Centers-77.16, 78.18, 79.1(1), 79.1(2)*
Social Services Block Grant-Chapter 153, Division I
State Hospital School Policies-Chapter 30
State Payment Program-Chapter 153, Division IV
State Supplementary Assistance application-Chapter 50
State Supplementary Assistance eligibility-Chapter 51
State Supplementary Assistance facility participation-Chapter 54
State Supplementary Assistance payment-Chapter 52
Subsidized Adoption- Chapter 201
Volunteer Services – Chapter 12

No change is recommended for the following rule groupings:

Adolescent Pregnancy Prevention- Chapter 163
Alternative Diagnostic Facilities-Chapter 34
Ambulances-77.11, 78.11, 79.1(1), 79.1(2)*
Ambulatory Surgical Centers-77.24, 78.26, 78.28(6), 79.1(1), 79.1(2), 79.1(3)*
Area Education Agencies-77.28, 78.32, 79.1(1), 79.1(2)*
Case Management-77.29, 78.33, 79.1(1), 79.1(2)
Certified Registered Nurse Anesthetists-77.31, 78.35, 79.1(1), 79.1(2)*
Child Abuse- Chapter 175
Child Care Centers- Chapter 109
Child Support - Administrative Establishment of Support- Chapter 99, Division III
Chiropractors-77.8, 78.8, 79.1(1), 79.1(2)
Debts Due from Transfer of Assets- Chapter 89
Department Organization
Family and Pediatric Nurse Practitioners-77.36, 78.40, 79.1(1), 79.1(2)
Family Planning Clinics-78.22, 79.1(1), 79.1(2)
Family Preservation Supportive and Nonrehabilitative Treatment Services- Chapter 181
Federally Qualified Health Centers-77.35, 78.39, 79.1(1), 79.1(2)
Foster Home Insurance Fund- Chapter 158
Home Health Agencies-77.9, 78.9, 78.28(9), 79.1(1), 79.1(2)
Hospice-77.32, 78.36, 79.1(1), 79.1(2)
Maternal Health Centers-77.23, 78.25, 79.1(1), —79.1(2)
Other Clinic Services-78.23, 79.1(1), 79.1(2)
Physical Therapists-77.17, 78.17, 79.1(1), 79.1(2)*
Podiatrists-77.5, 78.5, 79.1(1), 79.1(2)*
Rehabilitative Treatment Services-Chapter 185, Division I – audits and sanctions
Rehabilitative Treatment Services-Chapter 185, Division VI (rate setting)
Rehabilitative Treatment Services-Chapter 185, Division VII (billing and payment and recoupment)
Rural Health Clinics-77.21, 78.21, 79.1(1), 79.1(2)*

## **Conclusion**

Based on the public comments received, none of the recommended rule modifications are likely to be controversial with the exception of elimination of burial benefits and wraparound services due to budget constraints.

Although many of the changes identified are minor, they do need to be made to eliminate confusion on the part of the public. Currently of the 136 rule groupings needing to be revised or deleted, 38 are in process or completed. A good deal of work remains to be done.

The Department has already devoted a great deal of time to this effort. We remain convinced, however, that this is a project that was long overdue, and will continue to expend the effort needed to get the necessary changes completed.